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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/632,408 | 07/31/2003 | Charlie Steinmetz | 200209321-I | 2933 |
| 7590 | 10/07/2004 | | EXAMINER | |
| HEWLETT-PACKARD COMPANY | | | VO, ANH T N | |
| Intellectual Property Company | | | ART UNIT | PAPER NUMBER |
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| Fort Collins, CO 80527-2400 | | | 2861 | |

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/632,408 | STEINMETZ ET AL. | |
| | Examiner | Art Unit | |
| | Anh t.n Vo | 2861 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/31/03 & 7/19/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Information Disclosure Statement

The references cited on PTOL 1449 have been considered.

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections

Claim Rejections - 35 USC § 112

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 1, it is unclear what the “complementary key post” and “printing-fluid container bay” are and where they come from since they are not clearly defined. The same is true for claims 16, 24 and 27.

In claim 2, it is unclear what the “characteristic of the pocket” is, how the pocket can have the characteristic and how the characteristic can designate the fluid. The same is true for claim 17.

In claim 5, the recitation “printing fluid” on line 2 is confusing because it is unclear if this is an additional “printing fluid” or a further recitation of the previously claimed “printing fluid” on line 2 of claim 2. The same is true for reciting “printing fluid” in claims 8 and 18, “printing fluid container bay” in claim 9, “recessing the keying pocket” on line 1 of claim 26, and “an orientation” and “key posts” on line 2 of claim 27.

In claim 10, it is not understood where the outwardly extending key post” comes from since it is unclearly defined. The same is true for claim 19.

In claim 25, it is not understood what the “unique orientation” and “common shape” on line 3, and “mutually exclusive relationship” on line 4 are, how they can be “selected”, how the orientation can be “associated” with the fluid in a mutually exclusive relationship, and how this limitation is read on the preferred embodiment or seen on the drawings.

The remaining claims are dependent from the above claims and therefore also considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 12-21 and 23-27 are rejected under 35 USC 102 (e) as being anticipated by Hattori et al. (US Pat. 6,719,415).

Note: The method steps are inherently taught in the apparatus device/limitations in the rejections as follow:

Hattori et al. disclose in Figures 1-4 an ink recording apparatus comprising:

- a reservoir (200) including an outer-face (251) (Figure 1);
- a keying pocket (252) recessed from the outer-face (251) of the reservoir (200) and

configured to mate with a complementary key post (170) of a printing-fluid container bay (150) (Figure 2);

- wherein the reservoir (200) holds a printing fluid (ink) designated by a characteristic of the keying pocket; , wherein the characteristic includes a shape of the keying pocket; wherein the shape of the keying pocket is one of a plurality of different shapes, each designating a different printing fluid; wherein each different shape designates a different color of printing fluid; and wherein the characteristic includes an orientation of the keying pocket; and wherein the orientation of the keying pocket is one of a plurality of different orientations (different shapes should have different orientations), each designating a different printing fluid; and wherein each different orientation designates a different color of printing fluid (column 12, lines 59-67 and column 13, lines 1-29);
- wherein the keying pocket (252) prevents the printing-fluid container (200) from being seated in a printing-fluid container bay (150) adapted to extract a printing fluid other than the printing fluid held within the reservoir (200) (column 12, lines 59-63);
- wherein the keying pocket (252) recesses substantially normal to the outer-face (251);
- an alignment pocket (252) recessed from the outer-face (251) of the reservoir (200) and configured to guide the keying pocket into a position to engage an outwardly extending key post (170);
- wherein the outer-face (251) is a leading surface adapted to be laterally installed into the printing-fluid container bay (150); and
- wherein the leading surface (251) includes a fluidic interface (230).

Claims 1-10, 12-27 are rejected under 35 USC 102 (b) as being anticipated by Hmelar et al. (US Pat. 6,183,077).

Note: The method steps are inherently taught in the apparatus device/limitations in the rejections as follow:

Hmelar et al. disclose in Figures 1-6 an ink recording apparatus comprising:

- a reservoir (20) including an outer-face (32) (Figure 2);
- a keying pocket (131) recessed from the outer-face (32) of the reservoir (20) and configured to mate with a complementary key post (138) of a printing-fluid container bay (38) (Figure 3B and 5);
- wherein the reservoir (20) holds a printing fluid (ink) designated by a characteristic of the keying pocket; wherein the characteristic includes a shape of the keying pocket; wherein the shape of the keying pocket is one of a plurality of different shapes (Figures 3A-3D), each designating a different printing fluid; wherein each different shape designates a different color of printing fluid; and wherein the characteristic includes an orientation of the keying pocket; and wherein the orientation of the keying pocket is one of a plurality of different orientations (different shapes should have different orientations), each designating a different printing fluid; and wherein each different orientation designates a different color of printing fluid (column 7, lines 2-37);
- wherein the outer-face (32) of the reservoir (20) is substantially planar (Figure 1);
- wherein the keying pocket (131) prevents the printing-fluid container (20) from being seated in a printing-fluid container bay (38) adapted to extract a printing fluid other than the printing fluid held within the reservoir (20) (column 7, lines 15-22);
- wherein the keying pocket (131) recesses substantially normal to the outer-face (32);
- an alignment pocket (131) recessed from the outer-face (32) of the reservoir (20) and configured to guide the keying pocket into a position to engage an outwardly extending key post (138);
- wherein the outer-face (32) is a leading surface adapted to be laterally installed into the printing-fluid container bay (38); and
- wherein the leading surface (32) includes a fluidic interface (28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 USC 103 (a) as being unpatentable over Hmelar et al. (US Pat. 6,183,077).

Hmelar et al. disclose the claimed invention except for “the outer-face of the reservoir is substantially upright”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select changes “the outer-face of the reservoir is substantially upright instead of downright “ for the purpose of stabilizing ink supply, since it is a mechanical design expedient for an engineer depending upon a particular environment and the applications in which the ink jet cartridge is to be used.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references (US Pat. 5,293,913; US Pat. 5,920,333) cited in the PTO 892 form show an ink cartridge which is deemed to be relevant to the present invention. These references should be reviewed.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 8:00 A.M.to 6:00 P.M..

The fax number of this Group 2800 is (703) 872-9306.



ANH T.N. VO
PRIMARY EXAMINER

September 30, 2004